IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12845 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SONI PINAL YOGIN

Versus

REGIONAL PASSPORT OFFICER OR HIS SUCCESSOR IN THE OFFICE

Appearance:

MR RJ GOSWAMI for Petitioner

MR AKSHAY H MEHTA, Ld. CGSC for Respondent

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 18/12/2000

ORAL JUDGEMENT

I have heard Mr.R.J.Goswami, learned Counsel appearing on behalf of the petitioner. Rule. Mr.Akshay H. Mehta, Ld. CGSC, waives service of rule on behalf of the respondent.

The petitioner has applied for passport to the respondent Regional Passport Officer, Ahmedabad. While applying for the passport, the petitioner attached a copy of the birth certificate issued by the Talati Cum Mantri, Vasai Gram Panchayat, which shows that the date of birth of the petitioner is 26-10-1981. Thereafter, the respondent Regional Passport Officer, by his letter dated 1-11-2000 directed the petitioner to furnish the school leaving certificate. Accordingly, the petitioner furnished school leaving certificate issued by Shree New Vidyavihar for Girl's, Nava Vadaj, Ahmedabad at Annexure "D" to the petition. In the School Leaving Certificate, the date of birth of the petitioner is 27-10-1981. It appears that there is a one day difference between the date recorded in the School Leaving Certificate and the date recorded in the Birth Certificate issued by the Registrar, Births and Deaths, Vasai Gram Panchayat, Vijapur. The learned Counsel appearing for the petitioner submitted that while taking admission in the School, the date of birth was erroneously recorded as 27-10-1981. When there is a conflict in the date of birth between the School Leaving Certificate and the Birth Certificate issued by the Registrar, Births and Deaths, then the date of birth recorded in the Birth Certificate issued by the Registrar, Births and Deaths should be preferred. The learned Counsel further submitted that the respondent Authority is not issuing the passport as there is a one-day difference between the date recorded in the School Leaving Certificate and the date recorded in the Birth Certificate issued by the Registrar, Births and Deaths. In the instant case, I am of the view that the date recorded in the Birth Certificate issued by the Talati Cum Mantri, Vasai Gram Panchayat, Vijapur should prevail and the respondent Regional Passport Officer should consider the same for recording the date of birth in the passport of the petitioner. The petitioner may furnish all relevant documents, specifically the Birth Certificate issued by the Talati Cum Mantri, Vasai Gram Panchayat, Vijapur, before the respondent Regional Passport Officer and if such documents are placed, the respondent shall consider and decide the same in accordance with law, preferably within a period of one month. It appears that the confusion has been created by the petitioner by submitting two certificates showing two different dates of birth. If any correction is made by the respondent Authority regarding the date of birth, then the petitioner shall pay a sum of Rs.1,500/- (Rupees one thousand five hundred only) to the respondent Regional Passport Officer.

With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute to the above extent. Direct service is permitted.

18-12-2000 (P.K.Sarkar, J.)

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